

PROGRESS SHEET - APPLICATION FOR CHANGE

Permit
CERTIFICATE NO. G2-27332

NAME: American Water Resources Inc
c/o Thurston County RUD

P.O. Box 7709, Olympia WA 98507-7709 *a21*
Attn: Harry Paul
Appurtenant to Water Right Certificate No. *Permit* C62-27332

PURPOSE OF APPLICATION Place of use

Application originally received 8/18/99 Fee Paid \$10 ☒

Returned for completion or correction _____

Returned _____

PUBLICATION: OK'd by _____ Date _____ Notice sent 9/10/99

Protests _____ by _____

by _____

by _____

Affidavit received and checked 4/11/02 Time expires 4/27/02

EXAMINATION: Made _____ by _____

CERTIFICATE: OK'd for issue by _____ Date _____

Statement of fee mailed _____ Amount \$5 _____

Fee received _____

Certificate of Change Issued _____ No. _____

5/15/02
Permit PA extended
to 8/11/2003
2005
del 2008

(2nd)
Change App
withdrawn
5/14/04

Permit Active

Wrea
28



* 7 *

ROE Supporting Docs

Document Type Code - 7
(Bar-code 39, Font 48)



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

P.O. Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

May 20, 2004

American Water Resources
Virgil Fox
921B Middle Fork Rd
Onalaska WA 98570

Dear Mr. Fox:

This letter is to inform you that Water Right Change Applications No. G2-24073 and G2-27332 have been withdrawn.

On August 18, 1999, water right change applications were submitted to Ecology to change Water Right Permit No. G2-27332 and Water Right Certificate No. G2-2407C to consolidate the Loma Vista and Crowder Road Water Systems. The changes were filed to allow the withdrawal of water for domestic supply from both existing sources.

On May 10, 2004, Ecology was informed by Danah Ver Valen that the easements necessary to combine the systems are not available, and that the change applications are no longer needed. Ms. Ver Valen and Virgil Fox, representing American Water Resources, agreed to withdraw the applications.

If you have any questions regarding the rejection of these applications, please call me in Olympia at (360) 407-0240.

Sincerely,

A handwritten signature in cursive script that reads "Sheri Carroll".

Sheri Carroll
Water Resources

SC:dn

May 11, 2004

To: Ground Water Change Applications G2-27332 and G2-24073
American Water Resources

From: Don Davidson

On August 18th 1999, Virgil Fox, President of American Water Resources applied to the Department of Ecology to change water right permit G2-27332 and water right certificate G2-24073 to consolidate the Loma Vista and Crowder Road water systems, to allow the withdrawal of water for domestic supply from both existing sources. On May 10th 2004 I was informed by Danah Ver Valen that the easements necessary to combine the systems are not available, and that they had no further need for the change applications. Ms. Ver Valen and Virgil Fox agreed to withdraw these applications.

Ground Water Change Applications G2-27332 and G2-24073 should be cancelled as agreed by the applicant and the Department of Ecology.



RECEIVED
DEPT. OF ECOLOGY/SWP

'04 MAY 10 P12:39

Mr. Don Davidson
Department of Ecology
PO Box 47775
Olympia, WA
98504-7775

Re: Loma Vista/Crowder Permit extension

Dear Don,

As per our telephone conversation of May 6, 2004, I talked to Virgil Fox about continuing our permit extension with the prospect of joining Loma Vista and Crowder water systems. The easements necessary to combine these systems are not available to us so it would be waste of time to pursue this idea further.

Thank you for your telephone call.

Sincerely,

A handwritten signature in cursive script, appearing to read "Danah", is written in dark ink.

Danah, Billing Clerk
American Water Resources, Inc.

Loma Vista Crowder extension



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

P.O. Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

July 28, 2003

American Water Resources
921B Middle Fork Rd
Onalaska WA 98570

Dear Sir or Madame:

Re: Water Right Permit No. G2-27332

In compliance with your request, you are hereby granted an extension of time until **April 1, 2004**, to put the water to full beneficial use and file a notice of such action under the above mentioned permit.

Please submit the following when the actual water has been put to full beneficial use:

- ° Proof of Appropriation form filled out and notarized
- ° \$21.00 check payable to the **Thurston County Auditor's Office**
- ° \$5.00 check payable to the Department of Ecology

Please send both checks to the Department of Ecology and we will forward the Auditor check along with your Certificate to the County Auditor's Office for recording. **Also, the County Auditor is requiring that we have the parcel number for your property added to your Certificate. Please provide the parcel number for the point of withdrawal/diversion and the place of use.**

If you do not expect to have the water put to full beneficial use by **April 1, 2004**, you should request further extensions, as needed. To request additional extensions, you will need to submit a letter explaining why an extension is needed, including how many more connections are proposed on this water system. You may extend for more than one year at a time at a rate of \$5.00 per year.

This order may be appealed. Your appeal must be filed with the Pollution Control Hearings Board, PO Box 40903, Olympia, WA 98504-0903 within thirty (30) days of the date this Order was mailed by the Department of Ecology. At the same time a copy of your appeal must be sent to the Department of Ecology, c/o Water Resources Appeal Coordinator, PO Box 47600, Olympia, WA 98504-7600. Your appeal alone will not stay the effectiveness of this order. Stay requests must be submitted in accordance with RCW 43.21B.320. These procedures are consistent with Chapter 43.21B RCW.

If you have any questions or concerns about any of this information, please call Sheri Carroll at (360) 407-0240 or Teresa Hanson at (360) 407-0270.

Sincerely,

Thomas Loranger
Water Resources Supervisor

TL:th (paextension.doc)



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

P.O. Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

May 16, 2002

American Water Resources
921B Middle Fork Road
Onalaska WA 98570

Dear Sir or Madame:

Re: Water Right Permit No. G2-27332

In compliance with your request, you are hereby granted an extension of time until **April 1, 2003**, to put the water to full beneficial use and file a notice of such action under the above mentioned permit.

Please submit the following when the actual water has been put to full beneficial use:

- ° Proof of Appropriation form filled out and notarized
- ° \$11.00 check payable to the **Thurston** County Auditor's Office
- ° \$5.00 check payable to the Department of Ecology

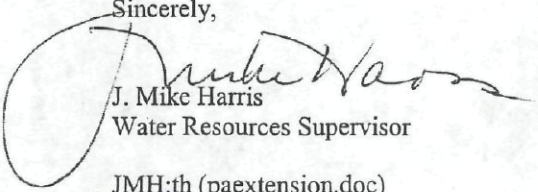
Please send both checks to the Department of Ecology and we will forward the Auditor check along with your Certificate to the County Auditor's Office for recording. **Also, the County Auditor is requiring that we have the parcel number for your property added to your Certificate. Please provide the parcel number for the point of withdrawal/diversion and the place of use.**

If you do not expect to have the water put to full beneficial use by **April 1, 2003**, you should request further extensions, as needed. To request additional extensions, you will need to submit a letter explaining why an extension is needed, including how many more connections are proposed on this water system. You may extend for more than one year at a time at a rate of \$5.00 per year.

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If you have any questions or concerns about any of this information, please call Tina Russell at (360) 407-6918 or Teresa Hanson at (360) 407-0270.

Sincerely,


J. Mike Harris
Water Resources Supervisor

JMH:th (paextension.doc)

RECEIPTReceipt Number **02-020532**

Department of Ecology (4610)

PO Box 5128

Lacey, WA 98509-5128

(360) 407-7095

Current Document Number **461G1345CJ**Date **05/14/2002**

FM 11

Remitter Name **AMERICAN WATER RESOURCES INC**

Receipt Name

Check/Draw Number **18831**Document Amount **\$25.00**Method of Payment **Check**Comment Description **WATER RIGHTS**

Ref Doc	Ref Doc	Inv Nr	Id Nr	Prgm Cd	T C	R	Fund	Maj Grp	Maj Src	Sub Src	Cnty	Work Cls	PIC	AI	Org	Prj	Sub Prj	Prj Phs	Sub Obj	Sub Sub Obj	Var GL	Sub Sid Dr	Sub Sid Cr	Alloc Amt
Nr	Sfx																							
				H00	001		001	02	85	000010														\$25.00

5/15/02
 62-27332
 extension request + fee
 OK
 extend PA to 4/1/03
 JKH



RECEIVED
DEPT. OF ECOLOGY/SWRD

'02 MAY 10 110:52

Debra Hunemuller
Department of Ecology
P.O. Box 47775
Olympia, WA.
98504-7775

May 7, 2002

Dear Debra,

Re: Loma Vista/Crowder Permit extension

At this time American Water Resources, Inc. is assessing the pros and cons of the possible combination of the Loma Vista and Crowder water systems. We are requesting that our permit be extended to at least April of 2003.

Enclosed , please find a check in the amount of \$25.00 for the extension fee.

Thank you,

Danah VerValen, Billing Clerk
American Water Resources Inc
Enc

Word/danah/letters/DOE

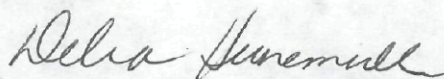
62-27332

MEMORANDUM

Date: May 15, 2002

To: File G2-27332

From: Debra Hunemuller, Water Resources



Subject: Reject Application for Change

On April 21, 1995, Lloyd and Shirley Brown filed an application to change the purpose of use on Permit G2-27332. They intended to change the purpose from partial irrigation to total domestic use. According to a memo from Don Davidson, as of December 17, 1996, progress on the change was not finalized and was on hold.

On August 18, 1999, we received another application for change from American Water Resources requesting change of place of use on Permit G2-27332. This application for change showed the existing purpose of use still included irrigation and domestic, as the original permit. According to information in the file, Loma Vista water system, associated with this permit, was sold from the Browns to American Water Resources.

Since no change ever occurred to the purpose of use on this permit, and a recent court decision interprets the law to show no change can occur to the purpose of use on an unperfected permit, **I recommend the application for change filed by the Browns in 1995 be rejected.**

The current application for change filed on August 18, 1999 by American Water Resources remains active.

Affidavit of Publication

RECEIVED
STATE OF ECOLOGY/SWRO

STATE OF WASHINGTON

County of Thurston County

ss.

Legal #5594

State of Washington
DEPT. OF ECOLOGY
Notice of Application to
change the place of use
And point of withdrawal of
existing water rights

Take Notice: That American Water Resources of Onalaska, WA has filed two applications to change the place of use of existing water rights originally granted under Ground Water Permit No. G2-27332P which was issued for 330 gpm from three wells located within Section 31 T. 16 N., R. 1 W.W.M. for the purpose of community domestic supply and irrigation. The second application to change the place of use and point of withdrawal of rights originally granted under Ground Water Certificate No. G2-24073C, which was issued for 110 gpm from two wells, located within Section 31 T. 16N., R. 1 W.W.M. for the purpose of community domestic.

The purpose of the applications is to change the place of use to consolidate two water systems. The place of use will be described as "Lots 1-20 of Crowder subdivision and Loma Vista, Division 1-3." The source will be wells 1 & 2 under Permit No. G2-27332P which are located 1140 feet West and 100 feet North and 1115 feet West and 100 feet North both from the Center of Section 31 T. 16 N., R. 1 W.W.M.

Protest or objections to approval of this application must include a detailed statement of the basis for objections; protests must be accompanied by a \$2.00 fee & filed with the Dept. of Ecology, at P.O. Box 47775 Olympia, WA 98504-7775 within (30) days from March 27, 2002.

Publish: March 20, 27, 2002

The undersigned being first duly sworn on oath, deposes and says:
That she is the Principal Clerk of The Olympian which is a legal newspaper printed and published in the city of Olympia, Thurston County, Washington: of general circulation in said City, County and State;

that the **Notice of Application**
In the case of **American Water Resources of Onalaska**

of which the attached is a printed copy, was published in said newspaper:

On the	20th	day of	March	2002
the	27th	day of	March	2002
the		day of		2002
the		day of		2002
the		day of		2002
the		day of		2002

that the said newspaper was generally circulated during all of said time, and has been published for more than six months prior to the dates of the publication of this legal document, and that said notice was published in the newspaper proper and not in supplement form.

The amount of fee charged for this publication **\$235.42**

Levy Nelson
Principal Clerk

Subscribed and sworn to me this 27th day of

March 2002.



Martha L. Hogan
Notary Public in and for the State of Washington
Residing at Olympia, Thurston County, Washington

The Olympian has been appointed as a legal newspaper by order of the Superior Court of the State of Washington for Thurston County, dated July 10, 1941, in the county in which said newspaper is published in accordance with RCW 65.16.020 and RCW 63.16.040.

Note - The above affidavit and fee is in compliance with RCW 63.16.030 and Sec. 3, Chapter 34, Laws of 1977.



RECEIVED
DEPT. OF ECOLOGY/SWRO

'02 APR 10 P12:48

April 9, 2002

Debra Hunemuller
Department of Ecology
PO Box 47775
Olympia, WA 98504-7775

Dear Debra,

Re: Notice for Publication for Water Right Change Applications G2-27332 (Loma Vista)
and G2-24073 (Crowder)

American Water Resources, Inc. is still exploring the possibility of consolidating both
water systems, but at this time we are not ready to do so. Can we keep this file open?

Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Danah'.

Danah, Billing Clerk
American Water Resources, Inc.

Enc

DV / :wd Publication Notice / ecology



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

P.O. Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

April 4, 2002

American Water Resources
Attn: Virgil Fox
921B Middle Fork Road
Onalaska WA 98570

Dear Mr. Fox:

Re: Notice for Publication for Water Right Change Applications G2-27332 (Loma Vista) and
G2-24073 (Crowder)

Thank you for talking with me on the phone regarding the change applications for the above-referenced water right applications. You indicated that you were still interested in consolidating both water systems, but that the Notice for Publication for these change applications has not yet been published.

As I mentioned on the phone, we can start working on these applications once the notice is published and we receive the original affidavit for publication.

Please send the affidavit for publication **within thirty (30) days** of the date of this letter.

If you have any questions regarding the public notice process, please contact Teresa Hanson at (360) 407-0270, or myself at (360) 407-0290.

Sincerely,

Debra Hunemuller
Water Resources Program

DKH:th



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

P.O. Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

February 7, 2002

CERTIFIED MAIL

American Water Resources
921B Middle Fork Rd
Onalaska WA 98570

Dear Sir or Madame:

RE: Water Right Application No. G2-27332

On **October 19, 2001**, we sent you a notice for publication.

To date, we have not received the original Affidavit of Publication for your application. If you have not yet published the notice in a newspaper of general circulation in the area of your application, please do so as soon as possible. After publication, the publishing newspaper should provide you with a notarized original Affidavit of Publication, which should be forwarded to our office. If you published the notice but have not mailed the Affidavit of Publication to this office; please do so as soon as possible.

Please remember to send the original Affidavit of Publication, not a photocopy.

If we do not hear from you within sixty (60) days from the date of this letter, we will assume you are no longer interested in your application and will reject it with no further notice.

If you have any questions or concerns about the public notice process, please call Tina Russell at (360) 407-6918 or myself at (360) 407-0270.

Sincerely,

Teresa Hanson
Water Resources Program

TH:th (affreminder2.doc)

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

7000 1670 0005 4828 1755

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

DEPARTMENT OF ECOLOGY
 SOUTHWEST REGIONAL OFFICE
 POST OFFICE BOX 47775
 OLYMPIA, WA 98504-7775

Sent To American Water Resources
 Street, Apt. No., or PO Box No. G2-27332
 City, State, ZIP+4

PS Form 3800, May 2000 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

AMERICAN WATER RESOURCES
 921 B MIDDLE FORK RD
 ONALASKA WA 98570

2. Article Number (Copy from service label)
 7000 1670 0005 4828 1755

PS Form 3811, July 1999

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) <u>Mrs. J. Fox</u>	B. Date of Delivery <u>2/12/02</u>
C. Signature <u>[Signature]</u>	<input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee
D. Is delivery address different from item 1? If YES, enter delivery address below: <input checked="" type="checkbox"/> No	

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

SWRO/WR G2-27332

Domestic Return Receipt

102595-00-M-0952



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

P.O. Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

October 19, 2001

American Water Resources
921 B Middle Fork Rd
Onalaska Wa 98570

Dear Sir or Madam:

RE: Application for Change Nos. G2-24073 & G2-27332 (Crowder/Loma Vista)

On September 9, 1999 we sent you a notice for publication.

To date, we have not received the original Affidavit of Publication for your applications. If you have not yet published the notice in a newspaper of general circulation in the area of your applications, please do so as soon as possible. After publication, the publishing newspaper should provide you with a notarized original Affidavit of Publication, which should be forwarded to our office. If you published the notice but have not mailed the Affidavit of Publication to this office; please do so as soon as possible.

Please remember to send the original Affidavit of Publication, not a photocopy.

If we do not hear from you within thirty (30) days from the date of this letter, we will assume you are no longer interested in your applications and will reject them.

If you have any questions or concerns about the public notice process, please contact Tina Russell at (360) 407-6918 or myself at (360) 407-0270.

Sincerely,

Teresa Hanson
Water Resources

TH:th



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

P.O. Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

June 12, 2000

Williams, Kastner, Gibbs
Carin Wilson
PO Box 21926
Seattle, WA 98111-3926

Dear Ms. Wilson:

I am writing you in response to your request for records relating to the water systems of Loma Vista Estates and Crowder Row subdivision near Tenino, Washington.

In your letter of June 5, 2000, you stated you were interested in receiving or reviewing all documents relating to the water system from 1997 to date. If you would like to send someone from your office to review and/or copy the water right files, you may call to schedule an appointment. I will set up the time to work with that person for review. If you prefer the Department copy the files, please inform us. We charge 15 cents a copy for 34 or more pages. The fees will need to be paid before copies can be released.

I will await your reply with you decision and if you have any questions, please contact me in Olympia at (360) 407-0240.

Sincerely,

Sheri Carroll
Water Resources

SC:th



RECEIVED

Carin A. Wilson
Attorney at Law
(206) 628-6600
cwilson@wkg.com

Two Union Square
601 Union Street, Suite 4100
Seattle, Washington 98101-2380
P.O. Box 21926
Seattle, Washington 98111-3926
Telephone (206) 628-6600
FAX (206) 628-6611

DEPARTMENT OF
S.W. REGIONAL OFFICE

June 5, 2000

12157.100

Washington State Department of Ecology
SW Regional Office
Attn: Records Custodian
P.O. Box 40117
Olympia, WA 98504

Re: Beckford, et al. v. American Water Resources Company, et al.
Dean, et al. v. American Water Resources Company, et al.

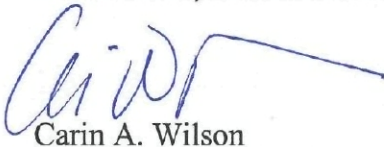
Dear Records Custodian:

This firm represents American Water Resources Inc. in the above-reference lawsuits. Please accept this letter as a public disclosure request for records relating to the water systems of the Loma Vista Estates subdivision near Tenino, Washington and Crowder Row subdivision. It is our understanding that the Loma Vista water system distributes water to approximately 47 homes and the Crowder water system distributes water to approximately 21 homes. We are interested in receiving and/or reviewing all documents relating to those water systems from 1997 to date.

We look forward to receiving your response to this request. If you have any questions or need to discuss the advancement of costs, please feel free to call.

Very truly yours,

WILLIAMS, KASTNER & GIBBS PLLC



Carin A. Wilson

CAW:hrg



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

P.O. Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

September 9, 1999

American Water Resources Inc
921B Middle Fork Rd
Onalaska WA 98570

Dear Sir or Madame:

Re: Water Right No. G2-27332

The request for assignment of the above referenced number has been processed. Our records have been changed to reflect the assignment and future correspondence will be sent to you, unless we are otherwise advised.

If you contact us in the future regarding this water right, it will help us serve you more quickly if you refer to the referenced number.

If you have any questions or concerns, please call the Department of Ecology at (360) 407-0240.

Sincerely,

Sheri Carroll
Water Resources Program

SC:th (assign.doc)
Enclosure





STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

P.O. Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

September 9, 1999

American Water Resources Inc
921B Middle Fork Road
Onalaska WA 98570

Dear Sir or Madame:

Re: Application for Change No's. G2-27332P & G2-24073C

Enclosed is a notice of application for change, to change the place of use and point of withdrawal of existing water rights for public waters as granted under Ground Water No's. G2-27332 & G2-24073.

This notice should be published once a week for two consecutive weeks (two publications) in a newspaper of general circulation published in **Thurston** County as provided in Chapter 275, Laws of 1953. Such a paper must have circulation in the locality where the water is to be withdrawn and used and should also be a paper qualified to publish legal notices.

Please draw to the publisher's attention that the actual date of the (proposed) second publication must appear at the end of the notice where indicated.

To assure accuracy, it is the responsibility of the applicant to check the notice over carefully before having it published. After publication, please send the affidavit of publication to this office.

Sincerely,

Sheri Carroll
Water Resources

SC:th(chglet)
Enclosure

State of Washington
DEPT. OF ECOLOGY
Notice of Application to change the place of use
And point of withdrawal of existing water rights

Take Notice: That American Water Resources of Onalaska, WA has filed two applications to change the place of use of existing water rights originally granted under Ground Water Permit No. G2-27332P which was issued for 330 gpm from three wells located within Section 31 T. 16 N., R. 1 W.W.M. for the purpose of community domestic supply and irrigation. The second application to change the place of use and point of withdrawal of rights originally granted under Ground Water Certificate No. G2-24073C, which was issued for 110 gpm from two wells, located within Section 31 T. 16 n., R. 1 W.W.M. for the purpose of community domestic.

The purpose of the applications is to change the place of use to consolidate two water systems. The place of use will be described as "Lots 1-20 of Crowder subdivision and Loma Vista, Division 1-3." The source of supply will be wells 1 & 2 under Permit No. G2-27332P which are located 1140 feet West and 100 feet North and 1115 feet West and 100 feet North both from the Center of Section 31 T. 16 N., R. 1 W.W.M.

Protest or objections to approval of this application must include a detailed statement of the basis of objections; protests must be accompanied by a \$2.00 fee & filed with the Dept. of Ecology, at P.O. Box 47775 Olympia, WA 98504-7775 within (30) days from: _____ (LAST DATE OF PUBLICATION TO BE ENTERED HERE BY PUBLISHER)

**ASSIGNMENT
OF
EASEMENTS AND WATER RIGHTS**

THIS AGREEMENT dated Dec 3, 1997 is entered into by and between LOMA VISTA WATER DISTRICT, INC., a Washington corporation and LLOYD G. and SHIRLEY S. BROWN, sole shareholders ("Seller"), and AMERICAN WATER RESOURCES, INC., a Washington corporation ("Purchaser").

WHEREAS, Purchaser is acquiring the assets of Seller located in Thurston County, Washington and used in connection with the water system owned by Seller and known generally as Loma Vista Water System, and

WHEREAS, the Seller has agreed to assign all of their rights, title and interest in, to and under any existing easements and water rights,

NOW THEREFORE, the parties agree as follows:

1. Assignment and Assumption of Seller's Interest. Seller hereby assigns to Purchaser all of their right, title and interest in, to and under the easements identified on Exhibit A (the "Easements") and the water rights identified on Exhibit B (the "Water Rights"), together with all of Seller's right, title and interest in the property and fixtures located thereon. Subject to the terms and conditions set forth herein, Purchaser hereby accepts said assignments and agrees to assume all of Seller's rights, duties and obligations under the Easements arising from and after December 1, 1997.

2. Seller's Warranties and Representations. Seller hereby warrants and represents to Purchaser that (a) Seller is the sole owner of the easement holder's interest under the Easements and the water rights holder's interest under the Water Rights; and

*Assignment OK
Sent letter
9/7/99
JL*

(b) that the same have not been otherwise assigned, sublet or otherwise transferred or encumbered.

3. Third Party. Nothing in this Assignment, whether expressed or implied, is intended to confer any rights or remedies under or by reason of this Assignment on any persons or entities other than the parties hereto and their respective successors. Nothing in this Assignment, whether expressed or implied, is intended to relieve or discharge the obligation or liability of any third party to any party to this Assignment. No provision of this Assignment shall give any third party any right of subrogation or action over or against any party to this Assignment.

4. Attorneys Fees and Costs. In the event of any conflict, claim or dispute between the parties hereto arising out of or relating to the subject matter of this Assignment, whether or not such conflict, claim or dispute has its basis in law or in equity, the prevailing party shall be entitled to receive from the non-prevailing party all reasonable costs and expenses of every sort whatsoever including, but not limited to, arbitrator's fees, mediation fees, deposition costs, expert witness fees, accounting expenses and actual attorneys fees incurred or expended, whether or not arbitration or court proceedings are initiated, and including all such costs or expenses incurred or expended in arbitration, in trial, on appeal or in any bankruptcy or receivership proceeding.

5. Further Assurances. Each party hereto will execute and deliver such further instruments and take such further action as may be required to carry out the intent and purpose of this Assignment.

6. Successors In Interest. This Assignment shall be binding upon, inure to the benefit of, and be enforceable by and against the respective heirs, executors, administrators, personal representatives and successors of the parties hereto.

7. Waiver. No waiver of any provision of this Assignment shall be deemed to be a waiver of any other provision hereof, nor shall such waiver constitute a continuing waiver. No waiver shall be binding unless executed in writing by the party making the waiver.

8. Incorporation by Reference. The exhibits attached hereto are incorporated herein by this reference as though set forth in full.

SELLER:

LOMA VISTA WATER DISTRICT, INC.

By:

Its:

Lloyd G. Brown
President

Lloyd G. Brown
LLOYD G. BROWN and

Shirley S. Brown
SHIRLEY S. BROWN, Sole Shareholders

PURCHASER:

AMERICAN WATER RESOURCES, INC.

By:

Its:

Virgil Fox
VIRGIL FOX

President

STATE OF WASHINGTON)

County of Thurston)

ss.

On this day personally appeared before me Howard G. Brown, to me known to be the President of LOMA VISTA WATER DISTRICT, INC., the corporation described in and that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument on behalf of said corporation.

GIVEN under my hand and official seal this 30 day of December, 1997.



Richard A. Finnigan
[Printed Name]

NOTARY PUBLIC in and for the State of Washington, residing at Olympia.
My commission expires: 9/27/98.

STATE OF WASHINGTON)

County of Thurston)

ss.

On this day personally appeared before me LLOYD G. and SHIRLEY S. BROWN, husband and wife, to me known to be the individuals described in and who executed the within and foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 30 day of December, 1997.



Richard A. Finnigan
[Printed Name]

NOTARY PUBLIC in and for the State of Washington, residing at Olympia.
My commission expires: 9/27/98.

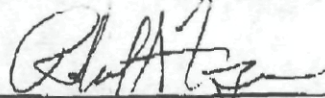
STATE OF WASHINGTON)

County of Thurston)

ss.

On this day personally appeared before me VIRGIL FOX, to me known to be the President of AMERICAN WATER RESOURCES, INC., the corporation described in and that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument on behalf of said corporation.

GIVEN under my hand and official seal this 4th day of December, 1997.

Richard A Finnigan

[Printed Name]

NOTARY PUBLIC in and for the State of
Washington, residing at Olympia

My commission expires: 9/27/98



10185.ans

FACSIMILE COVER SHEET

To:

Don Davidson
DOEDate: 9-3-99

Fax No.:

360 407 6305

Phone No.:

360 407 0275

From:

Katie / Virgil Fox
American Water Resources, Inc.

Fax No.:

(360) 978-5225

Phone No.:

(360) 978-6178

No. of Pages: 6 (including cover sheet)

If you do not receive the number of pages indicated above, please call (360) 978-6178.

Please deliver to the person(s) listed above, this fax is Personal and Confidential, if this fax is received in error, please contact our office at the number above. Thank you.

Comments:

Do you need anything other than this?

8/6/99

Virgil Fox, President/CEO
Satellite Water Systems/Lewis Co. Utility Corp.
formerly American Water Resources, Inc.
formerly Utility Systems Management, Inc. under
Frank Tobinski

921-B Middle Fork Rd.

Onalaska, WA 98570

360/978-6178

FAX: 360/978-5225

- in re: 1) adjoining the Crowder Tract/TENINO
community well to the Gilbert/183rd
housing development behind it and
effecting a 10' easement on Lot 14/CROWDER
for this purpose;
2) purification of E. Coli and Fecal Bacteria
exceeding acute levels of contamination.

It has come to light that our community well,
which now serves 20 homes, is to be extended
to service neighboring lots so development on them
can continue. We were previously led to believe
they were being joined for purification purposes.

We are already being charged for overages
beyond the now-reduced basic consumption rate.
These homes were built primarily for an occupancy
of four people but the basic water rate barely
allows usage for even one person. Since the

meters were installed in 1996 (and for which we paid, under the guise of "water USAGE fees"....), our own consumption has been minimized extensively. This being the case, it does not seem that the well can further accommodate service to additional homes. I fear that this will lead to even less availability of supply and may jeopardize what usage we yet have, as well as posing a threat to our water pressure.

As to cleanliness, in the 20 years that I have been a resident here, this is the first year that the water has become contaminated. I expect that as the new neighborhood settles and the shock in the unearthed virgin ground wears off, it will again run clean. If we were allowed to run the water we might be able to reduce the contaminants and clean out the lines considerably but it is too costly for anyone to do so; however, the three times it has been chlorinated has not helped at all. If such would tax the pump then it is additionally clear that it should not serve any more residences.

Chances are you will do what you want to do irregardless, as long as you can get the required approvals, but I think you need to put in another well.

If you still want the 10' easement on my property border it will cost you \$15,000.00 (Fifteen thousand Dollars) since the lot value is two-thirds of the homestead cost and the area desired cuts into the site reserved for an eventual shop, and diminishes the market value.

The lienholder also needs to sign off on the agreement, that being Rural Housing Service (formerly Farmers Home Admin.), USDA Rural Economic and Community Development (Chris Ketner, Co. Supvr., 360/352-9150 [4]).

The alternative on Lot 14 is to use the existing 15' County drainage easement (there is never any water in it...) and to contact John LaRose, 360/754-4001 at the County Courthouse Bldg I, to make the arrangements. I don't know if this involves myself and lienholder as well, but I expect it might as I allow the access to it.

You say that I will get clean water if I GIVE you the easement, but it is the obligation of the water company to provide clean water even if the two systems are never joined, and I suspect others in this community might want clarification and a say in what is transpiring.

Respectfully, Carol Dean 360/264-462
PO #325, Tenino, WA 98589

NOTE: You didn't help & you

degraded me when I was down a few years ago while I was in the hospital and my waterline to the house broke (there were 4 or 5 such breaks before we replaced it) per faulty workmanship & inspection, your Co. harassed me mercilessly threatening to charge me for a PUMP. This leads me to have punitive concerns about your honesty & how you conduct business.

cc:

Chris Ketner, County Supvr/Rural Housing Service
USDA Rural Economic & Community Development
1011 E. Main St. Ste 106
Puyallup, WA 98372
360/352-9150 (4)

John LaRose, Administration ³⁶⁰/754-4001
Development Services Dept.
Courthouse Complex Bldg I
2000 Lakeridge Dr SW
Olympia, WA 98502

Water Resources
Dept. of Ecology
P.O. # 47775
Olympia, WA 98504-7775
360/407-0240 Sherry

Public Health and Social Services Dept.
Administration ³⁶⁰/786-5581
529 W. 4th
Olympia, WA 98501
(Environmental Health, Courthouse Complex Bldg I
³⁶⁰/786-5490)

Harris, Mike

From: Harris, Mike
Sent: Thursday, August 12, 1999 10:50 AM
To: Liechty, Bill
Cc: Davidson, Don; 'r*h0303@doh.wa.gov'
Subject: FW: Priority processing for Crowder Rd and Loma Vista

Bill,

I received your letter requesting priority processing of water rights for the Crowder Road and Loma Vista systems and asked Don Davidson to review the letter and information applicable to these sites. I am forwarding his response for your information. Hopefully this will resolve the situation.

Would you please send a copy of this message to Rich Hoey if my e-mail message doesn't get delivered directly to him?
Thanks.

-----Original Message-----

From: Davidson, Don
Sent: Thursday, August 12, 1999 10:29 AM
To: Harris, Mike
Subject: Priority processing for Crowder Rd and Loma Vista

Mike-

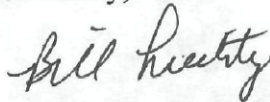
I reviewed the letter from Bill Liechty requesting priority processing, and had a look at the associated files and spoke to Rich Hoey and Virgil Fox. The water right application (G2-29857) referenced in the letter does not apply to the situation - in fact the application references a water system quite some distance from the Crowder Rd and Loma Vista water systems. At any rate, a new application can not be used to join two systems - the best process to alleviate the problems at the Crowder Road site is to file 2 new change applications, one to change the place of use of the Loma Vista permit to include the Crowder Road site and another to change the point of withdrawal of the Crowder Road well to the Loma Vista well. When I spoke to Virgil Fox he stated that his engineer was already in the process of filing change applications to do just that. When the applications come in, we will process them and I will do an investigation as soon as possible.

Mike Harris
Page 2
August 2, 1999

Engineer Rich Hoey will be available to attend any meetings you might wish to have with the water systems or their engineer.

We very much appreciate your immediate attention to this situation so that the public health threat can be resolved as soon as possible. I would also appreciate receiving a written or verbal response indicating if this situation qualifies for expediting decision making. Please do not hesitate to contact Rich Hoey (360) 586-2510 or me (360) 753-5953 if there are any questions.

Sincerely,



BILL LIECHTY, P.E.
WSDOH Section Head

cc: Virgil Fox, American Water Resources
Kevin O'Neil, Howard Godat & Associates
Rich Hoey, DOH
Sean Orr, DOH
Phil Brinker, Thurston County Environmental Health

Field 2

SECONDARY STATE HWY 507

NW CORNER
EARL M. FLEMING
TRACT
SEE G.W. Certificate 8697

I HEREBY CERTIFY THAT THIS SHORT SUBDIVISION COMPLIED WITH THE CONDITIONS AND SET FORTH IN THE THURSTON COUNTY SHORT SUBDIVISION CODE, TITLE 18, AND I APPROVED THIS _____ DAY OF _____, 19____, AND SUBJECT TO RECORDING WITH THE AUDITORS OF THURSTON CO. AND UNDER THE CONDITIONS SET FORTH IN THE ATTACHED DECLARATION OF SHORT SUBDIVISION.

DIRECTOR OF PLANNING

DLC COR
FND. 11 P.

SHORT PLAT SUBDIVISION
SEC. 31, T16N, R14W, W.M., TOLSON CO, WA.



JOHN D. SWIFT ASSOCIATES INC.

ENGINEERING
CIVIL
ELECTRICAL
MUNICIPAL
UTILITY

LAND SURVEYING
PLANNING

OLYMPIA 491-1920
PUYALLUP 848 5315

7115 MARTIN WAY—OLYMPIA, WASHINGTON 98503
11712 SOUTH MERIDIAN-PUYALLUP, WASHINGTON 98371

SHEET NO

105, 3

JOB NO.

1505

